

**TOWN OF CLARKSON**  
**PLANNING BOARD – MINUTES**

**May 18, 2010**

**Board Members**

Don Osborne – Chairperson  
John Jackson  
Scott Hanko  
Dave Virgilio  
Tom Schrage

**Support Board Members**

Richard Olson, Town Attorney  
John Paul Schepp, Town Engineer  
Chad Fabry, Building Inspector/Code Enforcement  
Ursula Liotta, Building Department Coordinator  
\*excused

**CALL TO ORDER**

D. Osborne called the meeting to order at 7:00 p.m. He led all present in the Pledge of Allegiance and reviewed the agenda.

**PUBLIC HEARING**

1. **Theodore Antonucci, Sr. / Double A Ranch**, Tax Acct. #031.03-1-7, Zoned: RS-20  
Lawrence Road parcel adjacent to Double A Ranch Subdivision  
Re: Site plan approval

D. Osborne read the Resolution aloud, a copy of which is attached hereto:

**RESOLUTION ADOPTING NEGATIVE DECLARATION**

031.03-1-7	3.6 acre parcel, Lawrence Road
<b>Tax Account Number</b>	<b>Address of Property</b>
Theodore Antonucci, Sr., Double A. Ranch	Site Plan Approval for Lot #7
<b>Name of Applicant</b>	<b>Name of Project</b>

**WHEREAS**, the Applicant requests Site Plan Approval for a single family home on the 3.6 acre parcel located on the North side of Lawrence Road, approximately 1/8 mile West of Clarkson Parma Town Line Road, Town of Clarkson, County of Monroe, State of New York; and

**WHEREAS**, this Board, by motion dated **May 18, 2010** declared itself to be the Lead Agency for Purposes of SEQRA; and

**WHEREAS**, in accordance with law and local practice, this Board referred this matter to the Conservation Board; and

**WHEREAS**, this project is an Unlisted Action for the purposes of SEQRA; and

**WHEREAS**, the engineer has prepared and submitted the Short Environmental Assessment Form for Unlisted Actions; and

**WHEREAS**, the Conservation Board has reviewed the documents, and submitted their comments to the Planning Board dated May 12, 2010; and

**WHEREAS**, this Board having thoroughly reviewed the Short Environmental Assessment Form, the comments from the Conservation Board, the Site Plan dated May 11, 2010, prepared by Schultz Associates, Engineers & Land Surveyors, P.C. and all of the items in the application, and having considered each and every impact in accordance with SEQRA,

**NOW**, upon consideration of the above and all of the previous documents, discussion and debate, upon the motion of D. Osborne, seconded by T. Schrage,

**BE IT RESOLVED**

1. That the Planning Board hereby adopts a Negative Declaration and that the SEQR Determination of Significance is attached hereto and made a part hereof as if the same were set forth a length herein.
2. That this resolution shall take effect immediately. Upon a roll call vote, the votes were cast as follows:

Aye: S. Hanko; J. Jackson; D. Osborne; T. Schrage; D. Virgilio  
Planning Board Members of the Town of Clarkson, Monroe County, New York

Whereupon the resolution was declared adopted.

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Re: Antonucci

**PART II — ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<p>A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible.)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <i>NO</i></p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <i>No</i></p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <i>No</i></p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <i>No</i></p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <i>NO</i></p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <i>No</i></p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: <i>No</i></p>
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/>Yes <input checked="" type="checkbox"/>No If Yes, explain briefly:</p>
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/>Yes <input checked="" type="checkbox"/>No If Yes, explain briefly:</p>

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e., urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:</p>	
<p><i>Town of Clarkson Planning Board</i> Name of Lead Agency</p>	
<p><i>Donald F. Osborne</i> Print or Type Name of Responsible Officer in Lead Agency</p>	<p><i>Chair person</i> Title of Responsible Officer</p>
<p>Signature of Responsible Officer in Lead Agency <i>X Donald F. Osborne</i> <i>Donald F. Osborne</i></p>	<p>Signature of Prepare (If different from responsible officer) <i>Brian Lemar 5/12/10</i> <i>Conservation</i></p>
<p>Date <i>X 5/18/10</i></p>	

Re: Antonucci / Dbd A Ranch - Lot 7 Lawrence Rd.

D. Osborne opened the public hearing by reading the legal notice aloud. David Matt, Schultz Associates, representing T. Antonucci in this matter stated the following

- That he has updated the site plan from 1976;
- That the leach fields have been updated and water service has been added;
- That the house will be set back 175' from the road, and 50-75' behind the house will be cleared;
- That the drainage was changed;
- Otherwise, the plan is much the same.

D. Osborne asked if there were any comments from the public present. Mrs. Kathleen Hardie, 60 Lawrence Road, stated that she is the neighbor directly adjacent to the West of the site; that she was curious about the position of the house on the parcel and the drainage. D. Matt again stated that the house would be set back 175' from the road, and the drainage would be to the North and East of the property.

Discussion: J.P. Schepp stated that this matter has been before the Planning Board several times since 1976, but never reviewed by Monroe County Department of Planning & Development; that Lawrence Road is a county road, and therefore, the site plan requires their review. The public hearing will stay open for now, and will be continued on June 15, 2010.

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2. **Michael Farrell – Farrell Subdivision @ 7780 Ridge Rd., Tax Acct. #054.04-1-32.21, Zoned: RS-20**  
Re: Special Permit Application for a two-family residence

D. Osborne opened the meeting by reading the legal notice aloud. Keith O'Toole, Attorney, introduced himself, and stated that he represents James Beehler and Beehler Construction, proposed purchaser of the said parcel; that J. Beehler would like build a two-family residence per the site plan previously approved in 2008; that the house would be approximately 2,000 sq. ft. total (1,000 sq. ft. per unit), not unlike a typical colonial style house; that the house will have garages (1 for each unit); that the site plan currently conforms to all zoning requirements, however, Town Code requires a special permit for a two-family residence; that the proposed two-family residence will have the same footprint as the single-family residence shown on the original approved site plan.

D. Osborne asked if there were any comments from the public present. **Kermit Mercer**, 7816 Ridge Road, stated that he is the neighbor to the West of the subject parcel. He provided a couple of copies of a prepared report, and reviewed the same aloud; further, he reviewed the criteria required per Town Code in order for a special permit to be granted, and is particularly concerned about certain portions of the code, i.e.

- §140-38F (1) a. be in harmony with the general purpose and intent of this chapter ...  
b. not tend to depreciate the value of adjacent property ...  
e. not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

M. Kermit further stated, in part, as follows:

- He referred to the proposed two-family house as transient accommodations, not unlike hotels.
- That recently, the Town of Clarkson sent a letter to all residents asking what direction the town should take for future planning, and the majority vote was to maintain the residential/agricultural character.
- That this site and its marsh is unique to Clarkson. He gave a history report of the site. He would like to see the Town of Clarkson take an interest in the property to utilize the property as a visiting site.
- That the Town of Clarkson will be losing something very special if the proposed application were granted.
- That the DEC has absolved themselves of the property and the Army Corp of Engineers has mitigated the property.
- He asked that the Planning Board reject the request for a special permit, to allow all involved parties to reconsider their positions on the unique property.

**William Leckner**, 7785 Ridge Road, stated that he lives across the street from the site and believes that it will lower his property value. There are no two-family dwellings within ½ mile of that site.

**Michael Farrell** stated that he is the current owner of the property in question. That the home to the East on Ridge Road is a rental; that the home across the street is a rental that Mr. Leckner rents; that he does not believe that the proposed two-family residence will be adverse to the neighborhood; that it is rental property, but in essence, a single-family home.

Board discussion followed, including, in part as follows:

- Two-family residences are an allowed use in RS-20 zoning;
- That there are two family units in the area of the unit being proposed, and there are also other rental units, some two-family and some single-family in the immediate area.
- That independent realtors have indicated to this Board in the past that two-family dwellings do not depreciate the value of single-family homes in the same neighborhood.
- The site is not wet on the pad, but the pad is surrounded by marsh.
- That this board would consider the public's comments.

S. Hanko made a motion to close the public hearing; second by T. Schrage; unanimously carried.

D. Osborne read the code specific to the special permit. S. Hanko stated that the parcel is already an approved building lot for a single-family home. J.P. Schepp stated that the size of the house will go in the same footprint; that it is a small unit; traffic impact is nominal; drainage issues are identical to the original approval; he had no further engineering comments.

D. Osborne stated that SEQR was addressed at the time of the site plan approval in 2008. R. Olson suggested that any motion by this Board should be based on criteria for approval or non-approval. The Board addressed each point of the code, as follows:

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§140-38 F

Special permits.

(1)

No special permit will be granted by any official board unless such board shall find after a public hearing that such special permit or modification will:

**[Amended 4-12-1988 by L.L. No. 1-1988]**

(a)

Be in harmony with the general purpose and intent of this chapter, taking into account the location and size of use, the nature and intensity of the operations involved in or conducted in connection with it and the size of the site in respect to streets giving access thereto.

**Board response: no comment**

(b)

Not tend to depreciate the value of adjacent property, taking into account the possibility of screening or other protective measures.

**Board response: the value of neighborhood properties will not depreciate.**

(c)

Not create a hazard to health, safety or general welfare.

**Board response: does not apply.**

(d)

Not be detrimental to the flow of traffic in the vicinity, or, in the case of major roads operating above 90% of their peak-hour capacity, does not generate a greater amount of traffic than a normally permitted use.

**Board response: does apply, however, assuming there will be one car per person x 2 per household x 2 units = 4 cars on premises, this will not generate a greater amount of traffic than would be generated by a single family dwelling of the same footprint.**

(e)

Not alter the essential character of the neighborhood nor be detrimental to the residents thereof.

**Board response: there are two-family units in the area of the unit being proposed. There are also other rental units, some quite a two family and some single family in the immediate area. Further, the house will be set back distance from the road and will be very secluded; it will not be obvious that the building is a family dwelling.**

S. Hanko made a motion to grant the application for the Special Permit; second by D. Virgilio; unanimously carried. The findings above stated will be incorporated in the Notice of Decision.

**OLD BUSINESS**

**NEW BUSINESS**

1. **James Wilbur**, 290 Lawrence Rd., Tax Acct. #030.02-2-26, Zoned RS-20  
Re: Review revised site plan (part of Old Pine Trail Subd. approved 5-97)

J. Wilbur presented an amended site plan for the property, showing the proposed house and septic system. JP Schepp stated that the only engineering concern is whether it needs to be submitted to Monroe County Department of Planning & Development for review since the property is located on a county road. R. Olson stated that this parcel was part of the Old Pine Trail Subdivision approved in May, 1997, and it would have been referred and reviewed by Monroe County at that time; there is no need to have them revisit it. JP Schepp stated that he has spoken with Brian Sorochty, project engineer who is waiting for Monroe County Health Department approval; that he has also spoken w/ Dave Goodwin, Clarkson Highway Superintendent w/regard to the required 35' easement on the property to allow the town access to Otis Creek. The easement is to be provided to R. Olson for review prior to moving forward.

2. **Oak Orchard Community Health Center**, 300 West Ave., Tax Acct. #068.02-1-44.2  
Zoned: Comm. Retail  
Re: Addition to existing building

John Stapleton, Marathon Engineering, introduced himself and Maria Basil, Gardner Plus Architects, and explained their plans for the 1,700 sq. ft. addition to the existing medical building at 300 West Avenue. The property is 2.734 acres, and is zoned retail commercial. There presently is a grassy area on the East wing of the building that will be used for the new build. They will require 101 parking spaces for the existing building plus the addition, and currently have room for 151 spaces. The plan meets the town code requirements, and the clients' needs. The utilities will be accessed from within the existing building. The sidewalk will be removed during construction. The new addition will have sprinklers, as does the existing building.

M. Basil explained the interior layout of the new addition; that it will include additional office space and house ACM

Lab; that they intend to duplicate the look of the current design with the new addition.

David W. Fisher, CEO & President of Oak Orchard Community Health Center stated that due to health department regulations, separate entrances from inside and outside of the building are required for a lab; that ACM Lab agreed to be the draw station tenant; there will be no on-site lab processing, it will all be done off-site.

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After board discussion, it was determined that the Planning Board would waive further site plan review. D. Osborne made a motion to grant the application as presented; second by J. Jackson; unanimously carried.

**OTHER**

**REVIEW OF MEETING MINUTES from May 5, 2010**

D. Osborne made a motion to approve the minutes; second by S. Hanko; unanimously carried.

**NEXT MEETING:** June 1, 2010 @ 7:00 p.m.

**ADJOURNMENT:**

D. Osborne made a motion to adjourn at 8:15 p.m.; second by J. Jackson; unanimously carried.

**Approved 6-15-10**

Respectfully submitted,

Ursula M. Liotta  
Building Department Coordinator